APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/489,600	01/20/2000	Evgeniy M. Getsin	IACTP014	6033

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EXAMINER
NGUYEN, DUSTIN

ART UNIT	PAPER NUMBER
2157	

DATE MAILED: 12/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.		Applicant(s)	
Office Action Summary	09/489,600		GETSIN ET AL.	
	Examiner		Art Unit	
	Dustin Nguyen		2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>20 January 2000</u> .

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-18</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-18</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

   If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☐ All b) ☐ Some * c) ☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

   a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6 .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

1.   Claims 1 – 18 are presented for examination.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-5, 7-11, and 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Schmeidler et al. (US Patent No 6374402), in view of Carmel et al. (US Patent No

6389473).

4.   As per claim 1, Schmeidler discloses a method for creating a synchronizer object in order

to playback an event simultaneously on a plurality of a client apparatuses, comprising the steps

of:

receiving a request utilizing a network for viewing an event (e.g. col 10, line 60-col 11,

line 16);

queuing the request in memory (e.g. col 22, line 1-21);

creating an object in response to the request (i.e. activator) (e.g. col 14, line 47-53);

and

sending the object to one of the client apparatuses utilizing the network for being stored

therein (e.g. col 14, line 54-59).

Schmeidler does not disclose other limitation of the claim.

Carmel discloses

the object adapted to playback the event on a client apparatus simultaneous with the

playback of the event on the remaining client apparatus upon the receipt of an activation signal (

e.g. col 1, line 16-18 and col 2, line 1-21).

At the time the invention was made, it would have been obvious to a person skill in the

art to combine Schmeidler and Carmel because it would allow data to be broadcasted to multiple

clients at the same time to eliminate request traffic and increase system performance.

5.   As per claim 2, Schmeidler discloses the request is received via an application program

embedded in a site on the network (e.g. col 3, line 58-62).

6.   As per claim 3, Schmeidler discloses the object is adapted to playback the event which is

stored in memory of the client apparatus (e.g. col 4, line 60-col 5, line 3).

7.   As per claim 4, Schmeidler discloses the memory includes a digital video disc (DVD) (

e.g. col 1, line 64-col 2, line 3).

8.   As per claim 5, Schmeidler discloses the object identifies a start time when the playback

of the event is to begin on each of the client apparatus (i.e. token) (e.g. col 22, line 59-66).

9.   As per claims 7-11, they are rejected for similar reasons as stated above in claims 1-5.

Furthermore, Schmeidler discloses the method above can be performed as a program code (e.g.

claim 13).

10.   As per claim 13-17, they are rejected for similar reasons as stated above in claims 1-5.

Furthermore, Schmeidler discloses the method above can be performed in a logic program (e.g.

claim 19).

11.   Claims 6, 12, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Schmeidler et al. (US Patent No 6374402), in view of Carmel et al. (US Patent No 6389473),

and further in view of Bhola et al. (US Patent No 6321252).

12.   As per claim 6, Schmeidler and Carmel do not disclose the limitation of the claim. Bhola

discloses the activation signal is provided using a clock of the client apparatus (e.g. col 6, line

12-20). At the time the invention was made, it would have been obvious to a person skill in the

art to combine Schmeidler, Carmel and Bhola because it would allow information to be correctly

synchronized for data consistency.

13.   As per claims 12 and 18, they are rejected for similar reasons as stated above in claim 6.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (703) 305-5321. The examiner can normally be reached on Monday – Friday (8:00 – 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703) 308-7562.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directly to the receptionist whose telephone number is (703) 305-3900.

Dustin Nguyen

11/26/02

SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100